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**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,  vs. JAMES KINNEY,	Plaintiff,  Defendant.	Case No.: 2:09-CR-132-JAD-(GWF)  <b>STIPULATION AND ORDER TO CONTINUE SENTENCING HEARING</b>
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IT IS HEREBY STIPULATED AND AGREED by and between Defendant, JAMES KINNEY, by and through his counsel, TODD M. LEVENTHAL, ESQ., and the United States of America, by its counsel, TONY LOPEZ, Assistant U.S. Attorney, that the Sentencing Hearing in the above-captioned matter currently set for Monday, September 17, 2018 be re-set for at the courts convenience.

This Stipulation is entered into for the following reasons;

1. Mr. Leventhal needs additional time to discuss pre-sentencing issues with Defendant JAMES KINNEY.

2. Mr. Leventhal has spoken to TONY LOPEZ, Assistant United States Attorney, and he has no objection to this continuance.

3. Additionally, denial of this request for a continuance could result in a miscarriage of justice.

1 DATED this 13<sup>th</sup> day of September, 2018.  
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3 /s/ Todd M. Leventhal, Esq.  
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TODD M. LEVENTHAL, ESQ.  
6 Counsel for James Kinney  
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8 /s/ Tony Lopez, Esq.  
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TONY LOPEZ, ESQ.  
11 Assistant U.S. Attorney  
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13 Submitted by: LEVENTHAL & ASSOCIATES, PLLC  
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15 /s/ Todd M. Leventhal, Esq.  
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**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.  
JAMES KINNEY,

Defendant.

Case No.: 2:09-CR-132-JAD-(GWF)

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**FINDINGS OF FACT**

Based on the stipulation of counsel, and good cause appearing, the Court finds that:

1. Mr. Leventhal needs additional time to discuss pre-sentencing issues with Defendant

JAMES KINNEY.

2. Mr. Leventhal has spoken to TONY LOPEZ, Assistant United States Attorney, and he has no objection to this continuance.

3. Additionally, denial of this request for a continuance could result in a miscarriage of justice.

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## ORDER

IT IS THEREFORE ORDERED that the sentencing hearing is currently scheduled for September 17, 2018, be vacated and continued to October 23, 2018, at the hour of 10:00 a.m.

DATED this 14th day September, 2018.

UNITED STATES DISTRICT JUDGE

## **CERTIFICATE OF SERVICE**

I hereby certify that on the 13<sup>th</sup> day of September, 2018 a true and correct copy of the **STIPULATION AND ORDER TO CONTINUE SENTENCING HEARING** was filed through the CM/ECF filing system and was electronically served to the following registered addresses on file for this instant case.

/s/ Kimberly King

An Employee of TODD M. LEVENTHAL, ESQ.  
LEVENTHAL AND ASSOCIATES, PLLC.